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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,602	12/21/2000	James S. McCormick	1400.4100220	1006
25697 7590 01/25/2007 ROSS D. SNYDER & ASSOCIATES, INC. PO BOX 164075 AUSTIN, TX 78716-4075			EXAMINER HSU, ALPUS	
			ART UNIT	PAPER NUMBER
			2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/746,602

Applicant(s)

MCCORMICK ET AL.

Examiner

Alpus H. Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 is/are allowed.
- 6) ☒ Claim(s) 24-29 is/are rejected.
- 7) ☒ Claim(s) 30, 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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1. Applicant's arguments, see Pre-Appeal Brief Request for Review, filed November 2, 2006, with respect to claims 28 and 29 have been fully considered and are persuasive. The finality of previous office action has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of YOSHIOKA et al. in U.S. Patent No. 6,163,861 A.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim is rejected under 35 U.S.C. 102(b) as being anticipated by KOBAYASHI in U.S. Patent No. 4,775,974 (of record), hereinafter referred as KOBAYASHI.

Regarding claim 24, by broadly interpreting the outgoing frames sent from the data terminal equipment to link layer processor as the claimed ingress data units, KOBAYASHI discloses a method for processing ingress data units in a link layer processor (21) of a multiprocessor control block (20) in a communication switch, comprising: receiving a first ingress data unit corresponding to a call; selecting a first selected intermediate processor of a plurality of intermediate processors (24-1-24-n) included in the multiprocessor control block; and forwarding the first ingress data unit to the first selected intermediate processor (see col. 3, lines 14-35, col. 3, line 52 to col. 4, line 12, col. 4, lines 24-43).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOBAYASHI in view of TZENG in U.S. Patent No. 6,438,135 (of record), hereinafter referred as TZENG.

Regarding claim 25, KOBAYASHI differs from the claim, in that, it fails to disclose the selection of the first selected intermediate processor based on a prioritization scheme, which is well known in the art and commonly applied in communications field for access arbitration.

TZENG, for example, from the similar field of endeavor, teaches the selection of queue processors based on a prioritization scheme (see col. 2, lines 42-65), which can be easily adopted by one of ordinary skill in the art into the method of KOBAYASHI to provide the method with access arbitration to further improve the system efficiency.

Regarding claims 26 and 27, KOBAYASHI differs from the claim, in that, it fails to disclose the prioritization scheme includes a round robin scheme and at least partially based on loading on each intermediate processor of the plurality of intermediate processors, which are also well known in the art and commonly applied in communications field for priority contention and resolution.

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TZENG, from the similar field of endeavor, also teaches the prioritization scheme includes a round robin scheme and at least partially based on loading on each intermediate processor of the plurality of intermediate processors (see col. 4, lines 49-57), which can be easily adopted by one of ordinary skill in the art into the method of KOBAYASHI to provide the method with priority contention and resolution to further improve the system efficiency.

7. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOBAYASHI in view of YOSHIOKA et al. in U.S. Patent No. 6,163,861 (newly cited), hereinafter referred as YOSHIOKA.

Regarding claims 28 and 29, KOBAYASHI differs from the claims, in that, it fails to disclose the assigning of sequence number correspond to the call, which is also well known in the art and commonly applied in communications field for error detection and/or correction in data transmission.

YOSHIOKA, for example, from the similar field of endeavor, teaches the assigning of sequence number correspond to the newest data packet (see col. 7, lines 16-51), which can be easily adopted by one of ordinary skill in the art into the method of KOBAYASHI to provide the method with error detection and/or correction during data transmission to further improve the system reliability.

8. Claims 1-23 are allowed.

9. Claims 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

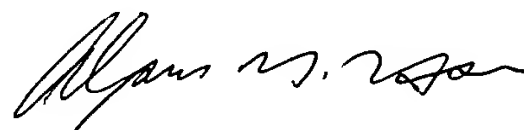
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH



Alpus H. Hsu
Primary Examiner
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